
**REGIONAL HOUSING NEEDS ASSESSMENT APPEALS BOARD
and
SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS**

**April 5, 2007
Minutes**

THE FOLLOWING MINUTES ARE A SUMMARY OF ACTIONS TAKEN BY THE REGIONAL HOUSING NEEDS ASSESSMENT APPEALS BOARD. AN AUDIOCASSETTE TAPE OF THE ACTUAL MEETING IS AVAILABLE FOR LISTENING AT SCAG'S DOWNTOWN LOS ANGELES OFFICE.

The Regional Housing Needs Assessment Appeals Board ("Board") held its meeting at SCAG's downtown Los Angeles office.

Members Present

Jon Edney (**Chair**) – Imperial County
Carl Morehouse – Ventura County
Paul Nowatka – Los Angeles County
Tim Jasper – San Bernardino County
Charles White – Riverside County

Alternate Members Present

Christine Barnes – Orange County
Melanie Fesmire – Riverside County
Mike Ten – Los Angeles County

Members and Alternates Not Present

Gil Coerper – Orange County
Larry McCallon – San Bernardino County (Alternate)

1.0 CALL TO ORDER

The Hon. Jon Edney called the meeting to order at 2:00 PM.

2.0 PUBLIC COMMENT PERIOD

There were no public comments.

3.0 REVIEW AND PRIORITIZE AGENDA ITEMS

No changes were made to the agenda order.

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4.0 INFORMATION ITEMS

4.1 Introduction of RHNA Appeals Board, Staff and Legal Counsel

Lynn Harris, Manager of Community Development, introduced the Board members, alternates, SCAG staff, and legal counsel.

4.2 Transmittal of Regional Council Adopted Regional Housing Needs Assessment (“RHNA”) Decision Documents

Ms. Harris reviewed the documents placed in the member packets, including Regional Council adopted items and decision documents, which will be referenced throughout the hearings. Also, included in the packet was the public hearing notice, which in accordance with RHNA law must be posted between 30 and 35 days prior to the hearing date. Ms. Harris referenced the schedule for cities that requested revisions only. She pointed out that revision requests do not require public hearings.

4.3 Review of Summary of Requests for RHNA Revisions and Appeals Filed as of March 16, 2007

Ms. Harris reviewed the summary of requests for RHNA Revisions and Appeals. Ms. Harris introduced Joanna Africa, Acting Chief Counsel for SCAG and advisor to SCAG staff with respect to RHNA matters. Ms. Africa summarized the bases for appeals and revisions, and the limits on the scopes for both of these, as set forth in the RHNA Appeals Procedure. Ms. Africa outlined the three bases for appeal: 1) methodology; 2) Ten AB 2158 factors; and 3) changed circumstances. Ms. Africa stated that there is only one criteria for a revision request and that is the AB 2158 factors.

4.4 Review of the Revision Schedule, Public Hearing Schedule, Logistics and Staff Report Format

Ms. Africa stated that the hearings will occur on April 25th, April 26th, April 27th, and April 30th. She also stated that there is a 10-day period for the Board’s legal counsel to prepare and present written decisions for the Board’s approval. The final decisions, with respect to the applications, will be rendered by May 10th.

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Ms. Harris advised the Board that they would be given their agenda packets for the April 25th hearing before today's meeting adjournment, and the remaining agendas will be mailed out shortly thereafter. She also stated that in addition to the staff reports, letters will be sent out to the jurisdictions advising them of any decisions made by the Board relative to hearing proceedings. Ms. Harris stated that those staff reports and letters will go out the week of April 16th.

5.0 ACTION ITEMS

5.1 Conduct Meetings, Revision Requests, and Public Hearings for Appeal Requests

A. Setting Time Guidelines and Agenda Order

In order to ensure a timely progression of the meetings and hearings, the Board was asked to establish reasonable parameters. Various options were discussed. To address matters relating to time guidelines and agenda order, the Board voted **UNANIMOUSLY** to:

- 1) Set a guideline of 30 minutes per appeal or revision request as follows: jurisdiction presentation, 10 minutes; staff presentation, 5 minutes; jurisdiction rebuttal, 5 minutes; and public comment or testimony, 10 minutes. Times may be exceeded at the direction of the Chair or Board majority;
- 2) Set a time limit of three minutes per person per public comment; reserve the ability to request speakers to shorten their time if they are repeating previous speakers' testimony;
- 3) Defer verbal duplication of written SCAG staff reports at the direction of the Chair or Board majority;
- 4) Give staff direction to bundle certain requests on an agenda if the technical analysis pertains to more than one city (applicable to revision requests only);
- 5) Direct staff to schedule revision requests at the beginning of each agenda;

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6) Authorize staff to transfer any revision requests and/or appeals filed by a jurisdiction within a subregion, which has accepted delegation to the applicable subregion; and

7) Direct staff to contact jurisdictions regarding whether they should attend the morning or afternoon session, based upon order of the agenda.

B. Receipt of New or Additional Materials at Hearings or During Meetings

Regarding the matter of receipt of new or additional materials at the meetings or hearings, the Board voted **UNANIMOUSLY** that:

1) Jurisdictions be requested to limit their materials, arguments, and evidence to that which is directly relevant to a permissible basis for their appeal or revision request; and

2) Jurisdictions be informed that for any jurisdiction that intends to provide any information, argument, or evidence that the jurisdiction has not previously submitted with the notice of appeal or revision request, to provide a one-paragraph summary of the information, and the Board may request the jurisdiction to provide an explanation of how such information is directly relevant to a permissible basis for its appeal or revision request; and

3) That jurisdictions be informed to limit their presentations to oral and written materials and the Board will not accept or consider any PowerPoint or other electronic presentations.

5.2 Rendering Decisions

Regarding the matter of rendering decisions, the Board voted **UNANIMOUSLY** that it will announce its decision regarding appeals and revision requests, whenever possible, immediately following the conclusion of its deliberations. However, in accordance with the RHNA Appeals Procedures, the Board has reserved the right to defer any decision on an appeal or request for the maximum 10-day period, if circumstances demand. This will be determined on a case-by-case basis.

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The Board also voted **UNANIMOUSLY** to schedule a Board meeting for May 3, 2007 to approve written decisions prepared by the Board's legal counsel.

5.3 RHNA Appeals Board and Board Counsel Dialogue

The Board voted **UNANIMOUSLY** that Colin Lennard and Jeff Margulies of Fulbright & Jaworski will provide counsel to the Board, and Joanna Africa will provide in-house counsel to SCAG staff.

6.0 CHAIR'S REPORT

Hon. Edney stated that it is very important to start the hearings on time, and for that reason, Hon. Edney encouraged members and alternates to take advantage of the hotel accommodations being provided by SCAG, if they anticipate any time constraints.

7.0 FUTURE AGENDA ITEMS

The RHNA Appeals Board Agenda for April 25th has been prepared and distributed.

8.0 SET NEXT MEETING DATE

The next meeting is scheduled for April 25, 2007 at 9:00 AM.

9.0 ADJOURNMENT

Hon. Edney adjourned the meeting at 4:00 PM.